

Application No.: 09/922,045

Docket No.: JCLA6649

**REMARKS****Present Status of the Application**

The Office Action rejected claims 1-2, 5-11 under 35 U.S.C. 102(e) as being anticipated by Gulick(U.S. 6,499,079). The Office Action also rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Gulick in view of standard ordering practice, as further evidenced by Nishtala (U.S. 2002/0138790). Applicants have cancelled claims 6-11, and amended claim 1 to improve clarity. After entry of the foregoing amendments, claims 1-3 and 5 remain pending in the present application, and reconsideration of those claims is respectfully requested.

**Discussion of Office Action Rejections**

The Office Action rejected claims 1-2 and 5 under 35 U.S.C. 102(e) as being anticipated by Gulick. Applicants respectfully traverse the rejections for at least the reasons set forth below.

To anticipate a claim, the reference must teach each and every element of the claim. M.P.E.P. § 2131. However, Gulick did not disclose the feature of “picking up the transaction having the smallest transaction identification value and executing the transaction to access the shared system resource; and executing the write transactions to access the shared system resource before the read transactions if two or more transactions have the same smallest transaction identification value” as claimed in claim 1. According to the Office Action, Gulick does not teach the technique feature, see page 7-8 of the Office Action. Therefore, Gulick does not anticipate claim 1.

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For at least the same reason, claims 2 and 5 are not anticipated by Gulick as a matter of law since claim 1, on which claims 2 and 5 depends, is not anticipated by Gulick.

The Office Action rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Gulick in view of standard ordering practice, as further evidenced by Nishtala. However, neither Gulick nor Nishtala taught the feature of “picking up the transaction having the smallest transaction identification value and executing the transaction to access the shared system resource; and executing the write transactions to access the shared system resource before the read transactions if two or more transactions have the same smallest transaction identification value” as claimed in claim 1 since the Office Action allows the original claim 4, of which the technique limitation is added into claim 1. Therefore, combination of the cited references did not teach those with ordinary skill to obtain such technique. Claim 3 is therefore patentable over Gulick in view of Nishtala.

For at least the foregoing reasons, Applicant respectfully submits that independent claim 1 patently define over the prior art references, and should be allowed. For at least the same reasons, dependent claims 2-3 and 5 patently define over the prior art as well.

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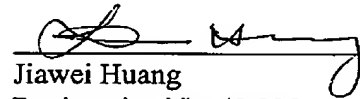
**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims 1-3 and 5 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,  
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